



ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704
WWW.ROPESGRAY.COM

June 23, 2014

William I. Sussman
T +1 212 841 0612
F +1 646 728 1505
william.sussman@ropesgray.com

BY ECF

The Honorable James C. Francis
United States Magistrate Judge
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al., v. City of New York, et al.*, 11 Civ. 5845 (LTS) (JCF)

Dear Judge Francis:

This office, together with The Legal Aid Society Prisoners' Rights Project and Emery Celli Brinckerhoff & Abady, is counsel for the Plaintiff Class in this matter. Emery Celli Brinckerhoff & Abady, together with The Legal Aid Society Prisoners' Rights Project, also are counsel for the Plaintiffs in their individual damages claims. We write, jointly with counsel for The City of New York, to request that all Court-ordered deadlines relating to class issues be extended for a period of 21 days. During this period, however, the parties will proceed with the depositions of the Plaintiffs with claims for damages only, as well as the depositions of the individual defendants allegedly involved in the incidents with the Plaintiffs.

The parties make this request because they have begun good-faith negotiations, including meetings attended by the DOC Commissioner and Corporation Counsel, with respect to a possible settlement of the class claims in this action, and believe their energies are best devoted to that purpose over the near term. After using the next 21 days for that purpose, the parties hope to be in a better position to see if sufficient tangible progress has been made so as to justify a further application to the Court.

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We appreciate the Court's consideration.

Respectfully yours,

Handwritten signature of William I. Sussman in cursive, followed by a forward slash and the lowercase letters 'aef'.

EMERY CELLI BRINCKERHOFF
& ABADY

Jonathan Abady
Katherine R. Rosenfeld
Vasudha Talla

THE LEGAL AID SOCIETY

Jonathan S. Chasan
Mary Lynne Werlwas
*Counsel for Plaintiffs Mark Nunez, Rodney
Brye, Shameik Smallwood, Oscar Sanders,
Travis Woods, Ralph Nunez, Keith Bacote,
Jose DeGros, Christopher Graham, Sonny
Ortiz, Clifford Sewell, and Leslie Pickering*

ROPES & GRAY LLP

William I. Sussman
Christopher P. Conniff
Amanda N. Raad
Lisa Coyle
Joseph G. Cleemann
Anna E. Friedberg
*Counsel for Plaintiffs Rodney Brye,
Shameik Smallwood, Travis Woods, and
Oscar Sanders in their capacities as Class
representatives*

cc: All counsel (by ECF and First-Class Mail)